

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
MARCH 22, 2004
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Mayor Kearsley called the meeting to order at 6:32 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Ken Kearsley, Mayor Pro Tem Sharon Barovsky, Councilmembers Joan House, Jeffrey Jennings and Andrew Stern.

ALSO PRESENT: Katie Lichtig, City Manager; Christi Hogin, City Attorney; Michael Teruya, Planning Manager; Victor Peterson, Environmental & Community Development Director/Building Official; Yugal Lall, Public Works Director/City Engineer; Thomas Gorham, Senior Planning Consultant; Paul Huckabee, Planning Consultant; Lloyd Zola, Local Coastal Program (LCP) Consultant; Paul Adams, Parks and Recreation Director; Lt. Gloria Gressman, Sheriff's Department; Barbara Cameron, Grant Consultant; and Lisa Pope, City Clerk.

FLAG SALUTE

Ruth White led the Pledge of Allegiance.

CLOSED SESSION REPORT

Public Comment on Closed Session Items

None.

City Attorney Hogin report that the Council met in closed session at 5:30 p.m. to discuss the following items:

Conference with Legal Counsel - Existing litigation per Government Code Section 54956.9 (a):

1. Lou Adler v. City of Malibu
Los Angeles County Superior Court Case No. BS087518

2. City of Arcadia, et al. v. Regional Water Quality Board, et al.
Los Angeles County Superior Court Case Nos. BS080807, BS080548, SO80753, BS080758, BS080791
3. City of Malibu v. California Coastal Commission (Streisand Center Coastal Permit)
Los Angeles County Superior Court Case No. BC230410
4. City of Malibu v. California Coastal Commission / TLC / Liebig (Referendum)
Los Angeles County Superior Court Case No. SS011355 (on appeal)
5. City of Malibu v. California Coastal Commission (AB988 / LCP)
Los Angeles County Superior Court Case No. SC074641
Related cases (city named as a party in interest):
 - a. Rick Appel v. California Coastal Commission
Los Angeles County Superior Court Case No. SC074658
 - b. Ralph Herzig v. California Coastal Commission
Los Angeles County Superior Court Case No. SS011382
 - c. Primrose Company v. California Coastal Commission
Los Angeles County Superior Court Case No. SS011386
 - d. Riverview Farm Associates v. California Coastal Commission
Los Angeles County Superior Court Case No. SS011383
 - e. Brian Sweeney v. California Coastal Commission
Los Angeles County Superior Court Case No. SS011387
 - f. Trancas-PCH v. California Coastal Commission
Los Angeles County Superior Court Case No. SC074640
 - g. Tuna Ridge v. California Coastal Commission
Los Angeles County Superior Court Case No. SC011381
 - h. Land Use Preservation Defense Fund v. California Coastal Commission
Los Angeles County Superior Court Case No. SS011388
6. Colony Beach Preservation Association v. California Coastal Commission
Los Angeles County Superior Court Case No. BS083683
7. Marine Forest Society v. California Coastal Commission Case No. 00AS00567 (Amicus)
8. Rubens v. City of Malibu
Los Angeles County Superior Court Case No. SC060331
9. Sierra Club v. City of Malibu (Forge Lodge)
Los Angeles County Superior Court Case No. BS083573
10. Silver v. City of Malibu
Los Angeles County Superior Court Case No. BS081960
11. Sweeney et al v. City of Malibu
Los Angeles County Superior Court Case No. SS011602
12. Taxpayers for Livable Communities; Jay Liebig II v. City of Malibu
Los Angeles County Superior Court Case No. BS0735585 (on appeal)

13. Taxpayers for Livable Communities, Povah, et al. v. City of Malibu
Los Angeles County Superior Court Case No. BS072794 (on appeal)
14. Trancas Property Owners Association v. City of Malibu
Los Angeles County Superior Court Case No. BS084112
15. United States of America ex rel. Darian v. Accent Builders inc. et al.
United States District Court Case No. CV00-10255-FMC(JWJx)
16. Visher v. City of Malibu
Los Angeles County Superior Court Case No. SC078703

Real Estate negotiation matters pursuant to Government Code Section 54956.8:

17. Property APN: 4458-018-002, 018, 019
City Negotiator: City Manager Lichtig or designee
Property Negotiator: Roy E. Crummer
Under Negotiation: Price and terms of payment

City Attorney Hogin reported that the Council discussed some, but not all of the items listed on the Closed Session Agenda due to limited time and took no reportable action.

APPROVAL OF AGENDA

MOTION Mayor Pro Tem Barovsky moved and Councilmember Stern seconded a motion to approve the agenda. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Pope reported that the agenda for the meeting was properly posted on March 12, 2004, with the Amended Agenda posted on March 19, 2004.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Proclamation Declaring April as “Healthy Parks Month”

Mayor Kearsley presented a proclamation declaring April as “Healthy Parks Month” to Parks and Recreation Commissioner Slaughtery.

B. Proclamation Declaring March 29 through April 3, 2004 as “Safe Communities Week”

Mayor Kearsley read a proclamation declaring March 29 through April 3, 2004 as “Safe Communities Week.”

ITEM 2A PUBLIC COMMENTS

Ruth White addressed the Council regarding neighborhood trails. She discussed traffic issues on Ramirez Canyon and requested the entrance to the Santa Monica Mountains Conservancy (Trail #14) be removed.

Madonna Slaughtery stressed the importance of ball field space for Little League and soccer. She questioned the current status of the City's use of Bluffs Park and how the Parks and Recreation Commission could get involved.

Melissa Caridad and Camden Vilken, Harry Barovsky Memorial Youth Commission, provided an update on the current events being put on by the Youth Commission.

Lloyd Ahern discussed the current "push poll" advocating one side in the election. He discussed the reasons he suggested a campaign monitor for the Malibu City Council election. He requested pro-active action to determine who was conducting the poll and expose it to the press.

ITEM 2B COUNCIL COMMENTS

Mayor Kearsley welcomed Pepperdine's Land Use Law class. He welcomed Birch Favor and Colleen Callahan from Occidental College.

Councilmember House thanked the two students from Occidental College for coming to the meeting. She thanked staff for explaining their jobs to the students.

Councilmember Stern asked if all campaign filings had been submitted. City Clerk Pope indicated all candidates' statements had been filed. Councilmember Stern discussed funding for music programs in the Santa Monica-Malibu Unified School District and indicated he attended Stairway of the Stars.

Councilmember Jennings discussed the need for ball field space and provided an overview of the City's use of Bluffs Park. He explained State Parks' opinion regarding ball fields on Bluffs Park and the acceptance of multi-use fields. He discussed the task force created by State Parks to review the City's use of Bluffs Park. He thanked the Youth Commissioners for their report. He discussed Mr. Ahern's comments and explained that the next campaign statements were due April 1, 2004.

Mayor Pro Tem Barovsky discussed the ball fields on Bluffs Park. She stated she hoped that the task force would include citizen groups. She stated she was proud of the Youth Commission and their work.

Mayor Kearsley provided a historical overview of the City's use of Bluffs Park.

ITEM 3 CONSENT CALENDAR

MOTION Mayor Pro Tem Barovsky moved and Councilmember House seconded a motion to approve the Consent Calendar. The motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

1. Second Reading and Adoption of Ordinance No. 262, an ordinance of the City of Malibu amending Title 8 Health and Safety, Chapter 8.32 Solid Waste and Recyclable Material of the Malibu Municipal Code pertaining to the removal of unlawfully placed solid waste containers
Staff recommendation: Conduct second reading, unless waived, and adopt Ordinance No. 262.

B. New Items

1. Waive further reading
Staff recommendation: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.
2. Approve Warrants
Staff recommendation: Allow and approve warrant demand numbers 24332 through 24450 listed on the register from the General Fund and direct the City Treasurer to pay out the funds to each of the claimants listed in Warrant Register No. 305 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$417,427.70. ADP payroll voucher numbers 8705468 – 8705490 were issued in the amount of \$108,671.76.
3. Approval of Minutes
Staff recommendation: Approve City Council meeting minutes for the January 26, 2004 Regular City Council meeting.
4. Approval of Minutes
Staff recommendation: Approve City Council meeting minutes for the February 9, 2004 Regular City Council meeting.

5. Approval of Minutes
Staff recommendation: Approve City Council meeting minutes for the January 24, 2004 Special City Council meeting.
6. Approval of Minutes
Staff recommendation: Approve City Council meeting minutes for the January 28, 2004 Quarterly City Council meeting.
7. Approval of Minutes
Staff recommendation: Approve City Council meeting minutes for the February 7, 2004 Special City Council meeting.
8. Campaign Watch Committee Volunteers Indemnification
Staff recommendation: Authorize the City Manager to execute indemnification agreements with each volunteer member of the Campaign Watch Committee.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

- A. ZONING TEXT AMENDMENT NO. 02-001 / NEGATIVE DECLARATION No. 02-001 – An amendment to Title 17 (Zoning) of the Malibu Municipal Code (M.M.C.), Chapter 17.02 (Introductory Provisions and Definitions), Chapter 17.40 (Property Development and Design Standards), Chapter 17.62 (Development Permits), Chapter 17.72 (Variances and Modifications) and other sections as applicable to clarify the procedures and requirements for the processing of development permits, to amend the findings for Site Plan Review, and to refine definitions and regulations related to protection of primary view
Staff Recommendation: 1) Adopt Resolution No. 04-11 adopting Negative Declaration No. 02-001 for an amendment to Title 17 (Zoning) of the Malibu Municipal Code, to clarify the procedures and requirements for the processing of development permits, to amend the findings for Site Plan Review, and to refine definitions and regulations related to protection of primary view; 2) after the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 261 approving Zoning Text Amendment No. 02-001 regarding an amendment to Title 17 (Zoning) of the Malibu Municipal Code, Chapter 17.62 (Development Permits), Chapter 17.02 (Definitions), Chapter 17.40 (Property Development and Design Standards), Chapter 17.72 (Variances and Modifications) and other sections as applicable; and 3) direct staff to schedule second reading and adoption of Ordinance No. 261 on April 12, 2004.

Senior Planning Consultant Gorham presented the staff report.

The Council discussed the section related to the appeal process.

CONSENSUS

By consensus, the Council determined to strike the word “grounds” from the last sentence of Section 17.04.220(c).

Councilmember House expressed concern regarding allowing a 180-degree view corridor. Senior Planning Consultant Gorham explained the means by which the primary view would be measured.

Councilmember House discussed Section 17.62.040(A)(8) and requested that coastal bluffs be excluded. City Attorney Hogin stated “coastal bluffs” could be inserted in Section 17.62.040(D)(2).

CONSENSUS

By consensus, the Council directed staff to add “coastal bluffs” to Section 17.62.040(D)(2).

MOTION

Councilmember House moved and Mayor Pro Tem Barovsky seconded a motion to 1) adopt Resolution No. 04-11 adopting Negative Declaration No. 02-001 for an amendment to Title 17 (Zoning) of the Malibu Municipal Code, to clarify the procedures and requirements for the processing of development permits, to amend the findings for Site Plan Review, and to refine definitions and regulations related to protection of primary view; 2) introduce on first reading Ordinance No. 261 approving Zoning Text Amendment No. 02-001 regarding an amendment to Title 17 (Zoning) of the Malibu Municipal Code, Chapter 17.62 (Development Permits), Chapter 17.02 (Definitions), Chapter 17.40 (Property Development and Design Standards), Chapter 17.72 (Variances and Modifications) and other sections as applicable; and 3) direct staff to schedule second reading and adoption of Ordinance No. 261 on April 12, 2004. The question was called and the motion carried unanimously.

B. CITY OF MALIBU DRAFT LOCAL COASTAL PROGRAM – Public Hearing on the City of Malibu Draft Local Coastal Program as Proposed March 2004

Staff recommendation: Open the public hearing, take public testimony, give direction to staff and continue to the Regular City Council meeting of April 12, 2004 for final discussion and action.

Lloyd Zola presented the staff report.

Councilmember Jennings asked about 100-foot setback from non-riparian habitats. Mr. Zola explained that the water course with riparian habitat was a different case from that that does not support riparian vegetation.

Councilmember Jennings asked if there was another way to deal with the issue rather than imposing a setback condition. Mr. Zola stated he thought Heal the Bay was looking for a way to filter runoff prior to it entering the stream.

In response to Mayor Kearsley, Mr. Zola explained the definition of water course. Mayor Kearsley explained the means by which blue line streams were determined by USGS.

Don Schmitz recommended excluding manufactured slopes from Sections 17.08.060 and 17.08.110. He discussed Section 17.32 and suggested the native tree protection ordinance exclude trees planted by the property owner. He disagreed with requiring mitigation for clearance of brush on private property.

Steve Williams, Resource Conservation District of the Santa Monica Mountains, expressed concern regarding protection of natural areas indicated in Appendix 2: Ecological Findings for the City of Malibu Local Coastal Program Land Use Plan. He expressed concern regarding the role of the Environmental Review Board (ERB) and recommended that the projects to be reviewed by the ERB be clearly delineated. He discussed setback and siting restrictions.

Shelley Luce, Heal the Bay, expressed appreciation for the outreach efforts. She expressed concern with the removal of the wet season grading prohibition. She stated 100-foot buffer zones were an absolute minimum for water quality protection. She stated the definition of “resource protection area” (RPA) needed more specific criteria and requirements.

Jeff Harris congratulated the Council, staff and consultants on a well-prepared and well-researched job. He stated he liked the two-tier approach.

Anne Hoffman discussed that Water Management Policy 17.52(E)(1) on Page 315 of the Land Implementation Plan. She recommended that the Council make the provision consistent with the Coastal Act. She discussed the need for a balance in the process.

Norm Haynie discussed the RPAs. He concurred with Mr. Schmitz’s comments regarding manufactured slopes. He stated trees planted by the owner should not be restricted from removal unless it was a condition of approval of the project.

Tom Mathews indicated support for the revisions of Chapter 17.42 of the LCP regarding shoreline and bluff development.

Barry Halderman thanked the Council for reincorporating the protections of Coastal Act Section 38238 regarding seawalls. He questioned the provisions regarding deed restrictions.

Judy Decker deferred her time to Mary Ayerst.

Mary Ayerst expressed concern about the appeals process and stated sensitive coastal resource areas were never defined. She discussed Land Use Plan (LUP) Policy 2.45, on Pages 24 and 25, regarding the trail system.

Councilmember Jennings indicated support for a wet season grading prohibition.

CONSENSUS

By consensus, the Council agreed to prohibit grading between November 1 and March 1.

Councilmember House asked if there was scientific evidence that could be submitted regarding 100-foot setbacks. Ms. Luce indicated Heal the Bay's November 21, 2003 letter outlined the benefits of buffer zones. Councilmember Jennings discussed the water quality protection desired by Heal the Bay. Ms. Luce explained that the purpose of buffer zones was to decontaminate water prior to it entering streams. She discussed the need for protecting blue line streams. Councilmember Jennings discussed runoff from a condo development in the Point Dume area.

Mayor Kearsley suggested using the 100-foot flood plan to determine buffers. He stated the 100-foot setback was arbitrary and had no basis of fact. Mr. Zola suggested reviewing the suggestions of Heal the Bay and the City's water quality experts to provide a recommendation on water quality protection.

In response to Ms. Luce, Mr. Zola explained the designation of ESHA.

Councilmember House requested Heal the Bay provide information prior to the next meeting to allow for review.

CONSENSUS

By consensus, the Council directed staff to review the suggestions of Heal the Bay and the City's water quality experts to provide a recommendation on water quality protection.

CONSENSUS

By consensus, the Council agreed to add criteria for resource protection areas.

CONSENSUS

By consensus, the Council agreed to summarize the added requirements for resource protection areas and for ESHAs.

Mr. Zola discussed riparian and other buffer areas adjacent to ESHA. He stated his belief that Heal the Bay's request for the smaller buffer should only be permitted for riparian ESHAs where the 100 feet would extend beyond the watershed boundary.

CONSENSUS

By consensus, the Council agreed to include aquatic habitat and wetlands in ESHA.

RECESS Mayor Kearsley called a recess at 8:32 p.m. The meeting reconvened at 8:45 p.m. with all Councilmembers present.

Mr. Zola suggested staff meet with the Resource Conservation staff to see if issues could be resolved and any changes be brought back to Council.

CONSENSUS

By consensus, the Council agreed to have staff meet with Resource Conservation District staff.

Mr. Harris suggested that the findings in the LCP reflect that resources are natural and manmade and that visitors come here for the City's scenic beauty, including looking at ranches and riding horses while it preserves the environment. He suggested adding a description of the ecological state of Malibu including the visually degraded areas.

CONSENSUS

By consensus, the Council directed staff to review Mr. Harris' suggestions and bring back appropriate proposed modifications.

Councilmember Jennings discussed Mr. Harris' suggestion regarding Page 39, paragraph one, sentence one, and read from the LUP provisions. He recommended that the restrictions only apply in ESHA and ESHA

buffer areas. He stated his belief that Mr. Harris was correct that the language should be “native,” not “natural,” vegetation.

CONSENSUS

By consensus the Council agreed to make the change as described by Councilmember Jennings.

Mr. Harris discussed the lagoon management portion and the Coastal Commission’s narrow focus which did not take into consideration the people who wade, swim and surf at Malibu Surfrider Beach.

CONSENSUS

By consensus, the Council agreed to reinsert the consideration of public health of waders, swimmers and surfers using Surfrider Beach.

Mr. Zola discussed Ms. Hoffman’s suggestion on Page 315 relating to coastal development permit requirements for newer or expanded agriculture. He stated that the City should be consistent with the Coastal Act exemption.

CONSENSUS

By consensus, the Council agreed to make the change as outlined by Mr. Zola.

Mr. Zola discussed Mr. Haynie’s proposed changes regarding cumulative impact mitigation, Chapter 17.36, Page 204 of the redlined version. He stated Mr. Haynie was suggesting Section 17.36.060 be revised to permit a 15-acre parcel to be divided into 3 parcels in exchange for retiring one beachfront lot.

Mr. Haynie explained his proposal to allow 2 additional houses on the land side in return for retiring one beach lot.

CONSENSUS

By consensus, the Council agreed to permit a 15-acre parcel to be divided into 3 parcels in exchange for retiring one beachfront lot.

Mr. Zola explained Mr. Haynie’s second proposal that if a parcel to be divided does not include riparian ESHA, it could be subdivided even if it were a different type of ESHA and then would not be subject to provisions under the ESHA overlay.

In response to Councilmember Jennings, Mr. Haynie explained that his proposal was an implementation measure to allow creation of subdivision on the property in return for protection of the beach lot.

Councilmember Jennings discussed the Bolsa Chica decision.

Mr. Haynie stated his goal was to find implementation measures that optimize the protection of coastline.

Mr. Zola discussed Mr. Halderman's suggestion to remove from Page 226 of the LIP the requirement of deed restriction because the provision was already there.

CONSENSUS

By consensus, the Council agreed to remove the deed requirement on Page 226 of the LIP.

Mr. Haynie requested the Council consider his suggested modification to a certain area that was designated as a protected resource area.

CONSENSUS

By consensus, the Council agreed to refer the matter to the City's biologist.

Councilmember Jennings discussed the seawall protection issue. He stated that the City wanted to remove any implication that people could be required to waive the rights that have been given to them by the legislature.

Mr. Halderman referred to Pages 226 and 227 with regard to the seawall issue.

CONSENSUS

By consensus, the Council agreed to remove any implication that people could be required to waive the rights that have been given to them by the legislature.

Mr. Zola discussed Mr. Schmitz's comments regarding LIP Section 17.08.060, Page 71, regarding limitations on development area where there are steep slopes and graded manufactured slopes. He indicated that those should not be treated the same way as natural slopes.

CONSENSUS

By consensus, the Council agreed to refer to staff the issue regarding manufactured grade.

Mr. Zola discussed the restrictions on Pages 88 and 181 on agricultural uses related to how steep the slopes are.

In response to Councilmember Jennings, Mr. Schmitz indicated that he had documentation on the subject that he could provide to the City. Mr. Schmitz explained that with proper agricultural practices, vineyards and orchards could be designed on slopes up to 50%. He indicated that the City could require best management practices be implemented to address erosion and sedimentation issues.

Ms. Luce stated that the use of the best management practices and state of the art designs outside of the buffers zones would be appropriate.

CONSENSUS

By consensus, the Council agreed to use best management practices.

Mr. Zola discussed Mr. Schmitz's suggestion to exclude trees planted by property owners (Page 190, Chapter 17.32).

Mr. Schmitz provided an example of a property owner who planted an oak tree. He stated that the Coastal Commission denied permission for a small equestrian facility on the property because of a minor encroachment into the drip zone of the oak tree. He stated that an overly broad application of the native tree protection ordinance was dissuading property owners from planting native trees.

Councilmember Jennings stated the current language would result in the loss of native trees. He suggested establishing a policy that encourages people to maintain trees.

Mayor Pro Tem Barovsky questioned whether there was a tree replacement mechanism. Mr. Zola stated that one currently existed, but the difficulty was in ensuring that the trees grow into maturity.

Mayor Kearsley stated that a person needed to be allowed reasonable use of his property. He suggested including some type of mitigation measure.

Mr. Schmitz provided examples of how to determine when and who planted various trees.

Councilmember Stern suggested establishing clear criteria in order to convince the Coastal Commission.

Mayor Pro Tem Barovsky stated that the Coastal Commission would never accept an implementation measure that allowed removal of oak trees.

CONSENSUS

By consensus, the Council agreed to retain the current language regarding tree removal.

Mr. Zola explained Mr. Schmitz's question on LIP Page 185 related to requirements for mitigation for required brush clearance or required safety features.

Councilmember Jennings stated that requiring a mitigation fee for brush clearance was double charging a property owner for his land.

Mayor Kearsley agreed that safety should be considered first and last.

Councilmember Jennings asked if the ordinance spelled out mitigation fee requirements. Mr. Zola stated that he did not believe it did. He explained that there were two conflicting requirements: 1) the requirement to provide for safety, and 2) the statutory requirement to avoid significant impacts to ESHA. He suggested that mitigation would only be required if the mitigation were necessary to avoid a significant impact and not just to require it because of the clearance.

Ms. Hoffman questioned how it was legal to charge someone to mitigate.

Mr. Schmitz stated the 1986 Coastal Act allowed access roads in an ESHA.

Mr. Zola stated staff could work with the City Attorney to determine whether or not the City could eliminate the mitigation for brush clearance without violating the prohibition on significant impact to ESHA.

CONSENSUS

By consensus, the Council agreed to direct staff to work with the City Attorney to determine whether or not the City could eliminate the mitigation for brush clearance without violating the prohibition on significant impact to ESHA.

CONSENSUS

By consensus, the Council agreed to replace the word "prepare" with the word "submit" in the LUP at Page 7.

CONSENSUS

By consensus, the Council agreed to add language from the Footnote 4 of the 1986 LUP as follows: Section 30502 of the Coastal Act requires the California Coastal Commission to designate "sensitive coastal resource areas" within the

coastal zone. However, in August 1978, the CCC voted not to designate any “sensitive coastal resource areas” within the entire state. Therefore, no areas exist within the Malibu Coastal Zone in which appeals of local coastal development permit decisions can be made pursuant to Item number 3 on Pages 8 and 9 of the LUP. “(3) Developments approved by the local government not included with paragraph (1) or (2) that are located in a sensitive coastal resource area.”

The Council discussed Ms. Ayerst’s suggestion regarding inclusion of the City’s trails map.

Councilmember Stern discussed the requirement for trails maps versus inventory trails.

CONSENSUS

By consensus, the Council directed staff to change language to read as follows: “The development shall not be approved until the project, LCP, and/or City-adopted requirement are revised such that the project complies with both the LCP and the City-adopted provisions.” (Page 3 LIP Page 3 for LIP Policy 17.02040A)

CONSENSUS

By consensus, the Council agreed to delete the words “and no lighting for aesthetic purposes is allowed” from LIP Policy No. 17.34.060E5.

Mr. Haynie inquired if there could be a provision written in the LCP that gives the City enough flexibility to relocate the trail to connect one point to another without having to change the trails map with an amendment to the LCP.

Councilmember Jennings suggested the City consider deleting Trail 14, Ramirez Delaplane Pathway.

City Manager Lichtig recommended staff contact Ms. White to clarify her recommendation.

Mayor Kearsley announced the City’s birthday party celebration on March 25, 2004, at 4:00 p.m. in the Council chambers.

ITEM 5. OLD BUSINESS

None.

ITEM 6. NEW BUSINESS

None.

ITEM 7. COUNCIL ITEMS

None.

ADJOURN At 9:56 p.m., Mayor Pro Tem Barovsky moved and Councilmember Stern seconded a motion to adjourn. The motion carried unanimously.

Approved and adopted by the City Council of
the City of Malibu on May 10, 2004.

SHARON BAROVSKY, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)